

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re:	)	
	)	Case No. 08 B 14706
Juliana L. Lam	)	Chapter 7
	)	Hon. Carol A. Doyle
	)	Hearing Date: August 5, 2009
Debtor.	)	Hearing Time: 10:00 a.m.

**NOTICE OF MOTION**

TO: William T. Neary	Brian Stuart
Office of the U.S. Trustee	70 W. Huron Ave., Apt. 304
227 W. Monroe Street, Suite 3350	Chicago, IL 60634
Chicago, IL 60606	

PLEASE TAKE NOTICE that on August 5, 2009 at 10:00 a.m. or as soon thereafter as counsel may be heard, I shall appear before the Honorable Carol A. Doyle, Bankruptcy Judge, in the room usually occupied by her as a Courtroom, Courtroom 742, at the Everett McKinley Dirksen Building, 219 S. Dearborn Street, Chicago, Illinois, or in her absence, before such other Judge who may be sitting in her place and stead and hearing bankruptcy motions, and shall then and there present the motion of Debtor to Reopen Case, a copy of which is attached and herewith served upon you, and shall pray for the entry of an order in conformity with the prayer of said pleadings.

/s/ Richard H. Fimoff

Richard H. Fimoff, ARDC No. 804886  
Robbins, Salomon & Patt, Ltd.  
25 E. Washington St., Suite 1000  
Chicago, Illinois 60602  
(312) 782-9000  
rfimoff@rsplaw.com

**CERTIFICATE OF SERVICE**

I hereby certify that on July 24, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

William T. Neary  
Office of the U.S. Trustee  
227 W. Monroe Street, Suite 3350  
Chicago, IL 60606

and I hereby certify that I have mailed by U.S. Postal Service the document to the following non-CM/ECF participants:

Brian Stuart  
70 W. Huron Ave., Apt. 304  
Chicago, IL 60634

/s/ Richard H. Fimoff

Richard H. Fimoff, ARDC No. 804886  
Robbins, Salomon & Patt, Ltd.  
25 E. Washington St., Suite 1000  
Chicago, Illinois 60602  
(312) 782-9000  
rfimoff@rsplaw.com

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re:	)	
	)	Case No. 08 B 14706
Juliana L. Lam	)	Chapter 7
	)	Hon. Carol A. Doyle
	)	Hearing Date: August 5, 2009
Debtor.	)	Hearing Time: 10:00 a.m.

**MOTION TO REOPEN CASE**

Juliana L. Lam (hereinafter referred to as "Lam" or "Debtor"), by her attorney Richard H. Fimoff, and Robbins, Salomon & Patt, Ltd., moves this Court, pursuant to Section 350(B) of the Bankruptcy Code, 11 U.S.C. § 524(a)(2), for the entry of an order reopening this case to afford relief to the Debtor, and in support thereof, state as follows:

1. Debtor filed her voluntary bankruptcy petition herein on June 9, 2008.
2. Debtor was granted her bankruptcy discharge on November 6, 2008. (A copy of Lam's bankruptcy discharge is attached hereto as Exhibit A).
3. On August 3, 2008, this case was administratively closed.
4. On or about June, 2009, Lam discovered that Brian Stuart ("Stuart") possessed a claim against her which he was prosecuting in the Circuit Court of Cook County, Illinois, having obtained a judgment against Lam in the amount of \$7,523.80, on November 1, 2006.
5. Lam amended her schedules to schedule Stuart as an unsecured creditor (A copy of her amended schedule is attached hereto as Exhibit B).
6. As the judgment debt obtained by Stuart was a prepetition obligation of Lam, Debtor's counsel informed Stuart of Lam's bankruptcy, the stay of actions based upon prepetition debts, and requested that Stuart cease further actions to collect the judgment (A copy of the letter dated June 25, 2009, to Stuart from Lam's attorney is attached as Exhibit C).

7. Notwithstanding Stuart's knowledge of Lam's bankruptcy proceedings, on July 13, 2009, Stuart continued to pursue collection of his judgment by obtaining from the Circuit Court of Cook County, Illinois a Rule to Show Cause addressed to Lam for her failure to appear at the Citation to Discover Assets scheduled by Stuart (A copy of such Rule is attached hereto as Exhibit D). Said Rule is returnable on August 14, 2009.

8. By this motion Lam is seeking an order of this court reopening this case to allow Lam to seek enforcement of the discharge injunction of Section 524(a)(2) of the Bankruptcy Code, and sanctions against Stuart for his knowing and willful violation of Section 524(a)(2), including payment of Lam's attorneys fees incurred here.

9. Pursuant to Local Rule 402L attached hereto as Exhibit E is a proposed draft order.

WHEREFORE, Juliana L. Lam prays that this Court enter an order reopening this case to allow Debtor to:

- A. enforce the discharge injunction of Section 524 of the Bankruptcy Code;
- B. seek sanctions against Brian Stuart for his knowing and willful violation of the discharge injunction, including the payment of Debtor's attorneys fees, in an amount to be determined after notice and a hearing; and,
- C. obtain such other and further relief as is just.

**JULIANA L. LAM**

BY: /s/ Richard H. Fimoff  
One of her Attorneys  
Robbins, Salomon & Patt, Ltd.  
25 E. Washington Street-Suite 1000  
Chicago, Illinois 60602  
Atty. No. 804886  
rfimoff@rsplaw.com

B18 (Official Form 18) (12/07)

## United States Bankruptcy Court

Northern District of Illinois

Case No. 08-14706

Chapter 7

In re: Debtor (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Juliana L Lam  
aka Julie Lam, aka Juliana L  
Sullivan  
10318 SW 49th Lane  
Gainesville, FL 32608

Social Security No.:

xxx-xx-2178

Employer's Tax I.D. No.:

### DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge, **IT IS ORDERED:** The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

FOR THE COURT

Dated: November 6, 2008

Kenneth S. Gardner, Clerk  
United States Bankruptcy Court

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

EX. A

B6F (Official Form 5F) (12/07)

In re Juliana L. Lam

Debtor(s)

Case No. 08-14706

(if known)

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

### Amended

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor." Include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedules. Report this total also on the Summary of Schedules, and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

Creditor's Name, Mailing Address including Zip Code, And Account Number (See Instructions above.)	Co-Debtor	Date Claim was Incurred, and Consideration for Claim. If Claim is Subject to Setoff, so State.	Contingent	Unliquidated	Disputed	Amount of Claim
Account No: Creditor # : 1 Brian Stuart 70 W. Huron Ave. #304 Chicago IL 60654	H--Husband W--Wife J--Joint C--Community	unknown Judgment against Debtor				\$ 7,523.80
Account No:						
Account No:						
Account No:						

No continuation sheets attached

Subtotal \$

\$ 7,523.80

Total \$

\$ 7,523.80

(Use only on last page of the completed Schedule F. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data)

EX. B

June 25, 2009

Mr. Brian Stuart  
70 W. Huron St., #304  
Chicago, IL 60654

RE: BRIAN STUART v. JULIE LAM, 06 MI-715335

Dear Mr. Stuart:

Please be advised that the undersigned represents Juliana Lam in currently pending bankruptcy proceedings. Ms. Lam filed for relief under Chapter 7 of the Bankruptcy Code on June 9, 2008. That matter is pending before the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division, as case number 08 B 14706.

I am in receipt of your Citation to Discover Assets issued in the above referenced matter. Ms. Lam was not aware of the judgment entered, and accordingly, we have amended her bankruptcy filing to add you as a creditor.

I trust that you are familiar with the Bankruptcy Code and specifically the automatic stay of proceedings to collect pre-petition obligations under Section 362 of the Code, and will take no further actions in that matter.

If you have any questions regarding this matter, please contact me.

Very truly yours,

Richard H. Fimoff  
RHF/lja  
cc: J. Lam

CS7361.DOCX  
6/25/09

EX. C

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT/ DISTRICT

Brian Stuart

Plaintiff

v.

Julie Lam

Defendant

No. 06 M 715335

10718 S.W. 49<sup>th</sup> Lane.  
Gainesville, FL 32608-7161

On the 17<sup>th</sup> day of August, 2009, the following Order was entered  
of record by Judge Presiding (Judge's Name) in 1401 (Court Room Number)

against the party named Julie Lam

RULE TO SHOW CAUSE

IT IS ORDERED that the party herein named shall appear personally in Room 1401 of the Court  
located at Daley Center, at 9:30 A.m.,  
on Daley Center August 14<sup>th</sup>, to show cause why he/she should not be held in civil contempt  
of court:

☒ for his/her failure to appear before this Court on July 13, 2009 to answer and respond to a  
Citation to Discover Assets served upon him/her as provided by law.

☐ for his/her failure to obey an order of this Court entered \_\_\_\_\_, requiring him/her to  
make installment payments of \$ \_\_\_\_\_ per \_\_\_\_\_, in satisfaction of this judgment.

☐ for his/her failure to obey the order of Court entered \_\_\_\_\_, for return of property.

IT IS FURTHER ORDERED that respondent then and there produce all books, papers, or records set forth in the  
Citation to Discover Assets.

IT IS FURTHER ORDERED that Respondent be personally served a copy of this order.

NOTICE

FAILURE TO APPEAR AS ORDERED BY THE COURT MAY RESULT IN A FINDING OF CONTEMPT AND  
COURT ORDER FOR YOUR ARREST BY THE SHERIFF.

CERTIFICATE OF ATTORNEY

I certify that I am the attorney of record in the above cause and that the foregoing is a true and correct copy  
of the Order entered by the Court on the above date.

Atty. No. PM Se

Name: Brian Stuart

Attorney for Plaintiff:

Address: 70 W. Huron Ave 304

City/Zip: Chicago IL 60654

Telephone: (312) 202-0483, (305) 301-2763

See parts 6, 6.1(a), and (d) Rules of the Circuit Court of Cook County for service and certification.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

SEE OTHER SIDE

EX. D



UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In Re: Juliana L. Lam, Debtor

)  
)  
)

Case No. 08-14706

ORDER REOPENING CASE

The Clerk is directed to reopen this case upon payment of the required fee.

ENTER:

\_\_\_\_\_  
Judge

Dated: \_\_\_\_\_

EX.E